



December 7, 1999

Mr. Scott W. Rosekrans
Criminal District Attorney
San Jacinto County
Post Office Box 430
Coldspring, Texas 77331

OR99-3521

Dear Mr. Rosekrans:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 131356.

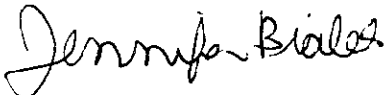
The County of San Jacinto (the "county") received a request for a police report. You assert that section 552.108(a)(2) of the Government Code excepts from disclosure the requested information. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. You state that the case has been no billed by the grand jury and thus the information pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, we agree that section 552.108(a)(2) is applicable.

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information, you may withhold the requested information from disclosure based on section 552.108(a)(2). We note that you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Bialek". The signature is written in a cursive, flowing style.

Jennifer Bialek
Assistant Attorney General
Open Records Division

JHB/cwt

Ref: ID# 131356

Encl. Submitted documents

cc: Mr. Kenneth R. Bagley
1115 Anderson
College Station, Texas 77840
(w/o enclosures)